OFFICE *of the* ATTORNEY GENERAL
GREG ABBOTT

September 17, 2003

Mr. Frederick D. Schraub
Escamilla & Poneck, Inc.
P.O. Box 200
San Antonio, Texas 78291-0200

OR2003-6524

Dear Mr. Schraub:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 187946.

The San Antonio Housing Authority (the "authority"), which you represent, received a request for itemized monthly and/or special billings from attorneys or law firms retained, hired, or contracted by the authority, including your firm, beginning with the June 2003 monthly billing. You believe that several exceptions to public disclosure may be applicable to any information that is responsive to this request. You also inform this office that the authority has asked the requestor to clarify this request for information, but has not yet received a response to the request for clarification. *See* Gov't Code § 552.222(b) (if what information is requested is unclear to governmental body, it may ask requestor to clarify request for information); Open Records Decision No. 663 at 2-5 (1999) (addressing circumstances under which communications with requestor under Gov't Code § 552.222 to clarify or narrow request for information will toll governmental body's ten-business-day deadline to request decision under Gov't Code § 552.301(b)). Consequently, you have not submitted either any arguments in support of the authority's exceptions to disclosure or any responsive information that the authority seeks to withhold. *See* Gov't Code § 552.301(e)(1)(A), (D). You inform us that the authority will do so at such time as it receives a response to its request for clarification.

Having considered your representations and reviewed your correspondence with the requestor, we find that the authority has no further obligations under chapter 552 of the Government Code with regard to this request for information until such time as it receives clarification of the request. Accordingly, we need not address the exceptions to disclosure that you raise. *See* Open Records Decision No. 663 at 5 (1999) (ten-business-day deadline to request attorney general decision under Gov't Code § 552.301(b) is tolled during

clarification process but resumes on day of receipt of clarification). At such time, however, as the authority receives clarification of the request, the authority must request another decision under section 552.301 of the Government Code with regard to any responsive information that the authority seeks to withhold. *See* Gov't Code §§ 552.301, .302; Open Records Decision No. 664 (2000).

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

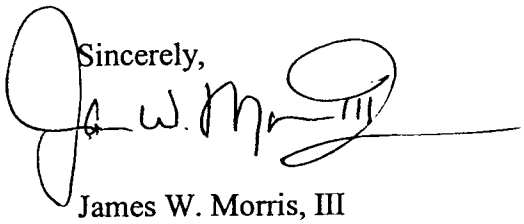
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at (877) 673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dep't of Pub. Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.—Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the Texas Building and Procurement Commission at (512) 475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. We note that a third party may challenge this ruling by filing suit seeking to withhold information from a requestor. Gov't Code § 552.325. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



James W. Morris, III
Assistant Attorney General
Open Records Division

JWM/sdk

Ref: ID# 187946

c: Mr. Ron Wilson
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San Antonio, Texas 78297-2171